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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,989	12/13/2001	John C. Pederson	N47.2-10338	6780

490 7590 05/13/2003

VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA, MN 55343-9185

EXAMINER

HUSAR, STEPHEN F

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,989

Applicant(s)

PEDERSON, JOHN C.

Examiner

Stephen F. Husar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the single row of light emitting diodes on the front and back side of a light support as set forth in claims 34,35,61, and 62 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 34,35,61, and 62 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a single row of light emitting diodes on one side of support as shown and disclosed in Figs. 31-33,37, and 50, does not reasonably provide enablement for a single row of light emitting diodes on the front and back side of a light support as set forth in claims 34,35,61, and 62. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. The only embodiments of the invention that show a light support with light

emitting diodes on the front and back sides are those as shown in Fig.10 of the drawings in which the light emitting diodes are arranged in an array of multiple rows and columns. There is no disclosure to an embodiment as shown in Fig.10 which consists of a support having a front and back side with only a single row of light emitting diodes arranged on both the front and sides of the support surface. Clarification is required.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 33-64 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No.

6,472,996 in view of LAMPARTER (5,634,287). Claims 1-32 of U.S. Patent No.

6,472,996 recite the invention substantially as claimed except for the limitation that the plurality of light emitting diodes are arranged in a single row. LAMPARTER shows in Fig.4 that it is well known to arrange a plurality of light emitting diodes in a single row on both sides of a multiple warning light such as U.S. Patent No. 6,472,996 for the purpose of providing multiple visually distinct warning signal simultaneously, see also col.4, lines

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43-63. It would have been obvious to one of ordinary skill in the art at the time of the invention to arranged~~d~~ the light emitting diodes of claims 1-32 of U.S. Patent No. 6,472,996 in a single row as disclosed in col.4, lines 58-59 of LAMPARTER for the purpose of illuminating indicia and providing a flashing warning signal to provide multiple warning signal simultaneously.

6. Claims 33-37 and 42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 32 of U.S. Patent No. 6,424,269 in view of LAMPARTER (5,634,287). Claims 1-5 and 32 of U.S. Patent No. 6,424,269 recite the invention substantially as claimed except for the limitation that the plurality of light emitting diodes are arranged in a single row.

LAMPARTER shows in Fig.4 that it is well known to arrange a plurality of light emitting diodes in a single row on both sides of a multiple warning light such as U.S. Patent No. 6,424,269 for the purpose of providing multiple visually distinct warning signal

simultaneously, see also col.4, lines 43-63. It would have been obvious to one of

ordinary skill in the art at the time of the invention to arrange~~d~~ the light emitting diodes of claims 1-5 and 32 of U.S. Patent No. 6,472,996 in a single row as disclosed in col.4, lines 58-59 of LAMPARTER for the purpose of illuminating indicia and providing a flashing warning signal to provide multiple warning signal simultaneously.

Information Disclosure Statement


7. Applicant's IDS filed 1/29/02 and 3/12/02 have been considered. Those patents, which have been lined through, have also been considered and only lined through for being duplicates of citations appearing elsewhere in applicant's IDS list.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Husar whose telephone number is 703-308-1932. The examiner can normally be reached on Monday-Friday from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Stephen F. Husar
Primary Examiner
Art Unit 2875

SFH
May 7, 2003